

## **REMARKS**

Claims 1-11, 21-27 and 29-36 remain pending in this application. Claims 12-20 and 28 have been canceled without prejudice or disclaimer. Claim 1 has been amended to recite that the fibres are provided on the whole of the flexible portion and the at least one less flexible portion as disclosed in the specification at page 9, lines 29-31. Claims 11, 27 and 29-33 have been amended to depend, directly and indirectly on claim 1. Claims 34-36 have been added to address specific embodiments of the claimed invention that are disclosed, for example, at page 6, lines 14-21 of the specification.

Claims 5-10, 13-26, 29-30, and 33 have been objected under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. As all multiple dependencies have been deleted in this application, this objection should be withdrawn.

Claims 1-4, 11, 12, 31, and 32 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Dickman (U.S. Patent No. 7,066,960). According to the examiner, Dickman teaches a disc prosthesis 100 that has a flexible section 52 and less flexible portions 103, 104 (Figure 10A; col. 12, lines 15-20). It is also asserted that the prosthesis is also fiber reinforced with a sheath 51 (Figure 5).

As described in Figure 5 and column 8, line 55 et seq., Dickman teaches a disc prosthesis that may have an inner nuclear core that is preferably a hydrogel or a hydrogel composite material, that may be surrounded by an outer bioincorporable continuous fabric sheath 51 surrounding the core. The same prosthesis construction is also described in Figure 10A and column 12, lines 15-24, except that the construction in Figure 10A also includes a pair of plates or platform bases 103, 104 at the top and

bottom of the disc prosthesis. The claimed invention is distinguished from the teachings of Dickman in that the fibers are provided on the whole of the flexible portion (corresponding to the core in Dickman) and the at least one less flexible portion (corresponding to at least one of the plates 103 or 104 in Dickman). Dickman fails to teach or suggest that a fiber or fabric reinforcement should embrace not only the core material, but also at least one of the less flexible portions. The advantages of the present invention include a more firm adherence of at least one of the less flexible portions to the flexible portion of the prosthesis. As Dickman neither anticipates nor renders obvious the claims as amended, this rejection should be withdrawn.

Claims 27 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickman in view of Bao et al. (U.S. Patent No. 5,047,055). Although the examiner acknowledges that Dickman fails to teach that the flexible portion of the prosthesis may be formed by cutting slices from a hydrogel bar, Bao et al. is relied upon as forming a hydrogel implant by cutting the polymer from a rod which is larger than the nucleus. Claim 28 has been canceled and claim 27 has been amended to depend from claim 1 and is considered to be patentable for the same reasons advanced above with respect to claim 1. As Bao et al. does not teach or suggest the claimed features not taught by Dickman, this rejection should be withdrawn.

Prompt and favorable reconsideration of this application is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By: Charles E. Van Horn  
Charles E. Van Horn  
Reg. No. 40,266